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WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAFAYETTE DIVISION

SUSAN POE

CIVIL ACTION NO. 08-0703

VERSUS

JUDGE DOHERTY

THE SPECTRA GROUP, INC., ET AL.

MAGISTRATE JUDGE HILL

MEMORANDUM RULING AND ORDER

Pending before this Court is the Motion for Leave to File Third Party Demand [Doc. 18] filed by Clark Construction Inc. of Mississippi ("Clark Construction") on March 26, 2009. Clark Construction seeks leave of court to file a third party demand for defense and indemnity against Fontenot's Asphalt Services, a non-party to this suit. The motion is DENIED for the following reasons.

This Court notes the deadline for joinder of parties/amendment of pleadings in this matter was **June 23, 2008**, and the discovery deadline was **July 22, 2008**. Therefore, the motion is untimely. Additionally, the demand for defense and indemnity is made pursuant to a subcontract between Clark Construction and Fontenot's that must have been known to Clark's prior to the aforementioned deadlines. Consequently, there is no basis for permitting the untimely joinder of Fontenot's at this juncture. Additionally, this Court notes the trial of this matter is set on November 2, 2009.

For the foregoing reasons, IT IS ORDERED that the Motion for Leave to File Third Party Demand [Doc. 18] is DENIED. However, Clark Construction has 10 days from the date of this Memorandum Ruling to file a brief of no more than 5 pages addressing why this Court should permit

the addition of a new party beyond the deadline for joinder of parties/amendment of pleadings. Clark Construction shall cite to the appropriate standard by which the Court should consider Clark Construction's request.

THUS DONE AND SIGNED in Lafayette, Louisiana, this 27 day of March 2009.


REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE